

No. 729-ASOIII-Lab-69/2975.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/S Sehgal Puri (P) Ltd. Faridabad:—

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 51 of 1968

Between

SHRI HARI KRISHAN WORKMAN AND THE MANAGEMENT OF M/S SEHGAL PURI (P) LTD.,
FARIDABAD

Present.—Shri R.L. Sharma, for the workman.

Shri S.L. Gupta, for the management.

AWARD

Shri Hari Krishan was in the service of M/s Sehgal Puri (P) Ltd. Faridabad. His services were terminated and this gave rise to an industrial dispute. The Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette Notification No. ID/FD/13242, dated 23rd May, 1968.

Whether the termination of services of Shri Hari Krishan was justified and in order. If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. It was pleaded on behalf of the management that section 2A of the Industrial Disputes Act, 1947, under which the present reference has been made was *ultra vires* of the Constitution and for this reason the reference was bad and illegal. It is further pleaded that the General Labour Union who gave a notice of demands on behalf of the workmen is not a union of the workmen employed in the respondent factory and therefore they had no *locus standi* in this case that there is no Industrial Dispute between the workmen in general and the management and for this reason the reference is wrongly worded. On merit it is pleaded that the claimant himself abandoned the services of the respondent company. The pleadings of the parties gave rise to the following issues —

- (1) Whether the objection that section 2A of the Industrial Disputes Act, 1947, is *ultra vires* can be raised in this Court?
- (2) Whether the General Labour Union is not competent to represent the workman in the proceedings?
- (3) Whether there is no industrial dispute between the parties?
- (4) Whether the claimant himself abandoned the services of the respondent company?
- (5) Whether the termination of services of Shri Hari Krishan was justified and in order. If not to what relief is he entitled?

The case was fixed for evidence for 3rd October, 1968. On the date fixed Shri S.L. Gupta who appeared on behalf of the management stated that the marriage of the son of the proprietor of the respondent concern, was being celebrated and for this reason he could not bring any evidence and requested for a date. The case was accordingly adjourned to 30th October 1968. On the date fixed Shri S.L. Gupta who was again not in a position to produce any evidence and requested for a date. This request was also accepted on payment of nominal costs and the case was adjourned to 3rd December, 1968. On the date fixed the management again did not bring any evidence and Shri S.L. Gupta stated that the management had not contacted him and he had no instructions. *ex parte* evidence of the workman was accordingly recorded, and my findings are as under.

Issue No. 1.—It is obvious that the Court of special jurisdiction cannot interpret the constitution and give any findings as to the vires of any provisions of law. I find this issue in favour of the workman.

Issue No. 2.—Under section 36 of the Industrial Disputes Act the workman is entitled to be represented in any proceedings under the said act by an officer of an Registered Trade Union of which he is a member. It has not been alleged on behalf of the management that the General Labour Union is not a Registered Trade Union or that the claimant is not a member of the said union. The plea taken up in the written statement is that the General Labour Union is not a union of the workmen of the respondent factory and for this reason this union has no *locus standi* in this case. Under section 2A of the Industrial Disputes Act it is not necessary that the union or a substantial number of workmen must espouse the case of a workman whose services have been terminated. The present case has been initiated by the aggrieved workman himself and the General Labour Union is simply representing him for this purpose which they are authorised to do under section 36 of the Industrial Disputes Act. I, therefore, find this issue also in favour of the workman.

Issue No. 3.—Under section 2A of the Industrial Disputes Act, the workman if aggrieved by reason of the termination of his services can raise an industrial dispute which as defined under clause (k) means *inter alia* any dispute between employers and workmen. It is, therefore, not correct to say that there is no industrial dispute and the reference is not correctly worded. I find this issue also in favour of the workman.

Issues Nos. 4 and 5.—No evidence has been led on behalf of the management to prove that the workman himself abandoned the service. On the other hand the workman has appeared as a witness in support of his

case and has stated that he joined the services of the respondent on 21st April, 1958, he fell ill on 19th July, 1967 and reported for duty on 12th February, 1968. The workman has stated that he submitted leave application duly supported by medical certificate but he did not receive any reply. He further stated that Ex. W. 1 is a fitness certificate which he produced before the management when he reported for duty on 12th February, 1968.

The witness has been cross examined and in cross examination he has stated that he sent a medical certificate under registered cover of which the postal receipt is Ex. W.2. and the acknowledgement is Ex. W.3. He further stated that previously he had sent two letters under postal certificate which are marked Ex. W.4 and Ex. W.5. According to the workman his brother is also in the service of the respondent and he has been submitting his application through him.

It is satisfactorily proved by the evidence of the workmen that he was actually ill from 19th July, 1967 to 12th February, 1968, and he has been submitting leave applications duly supported by medical certificate and it would not, therefore, be correct to say that he had voluntarily abandoned service. The management have terminated the services of the workman without giving him any notice to show cause. The termination of his services cannot therefore be said to be justified and in order. The workman Shri Hari Krishan is, therefore, entitled to be reinstated with continuity of service and full back wages.

Dated 23rd January, 1969.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 161, dated 24th January, 1969

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 23rd January, 1969.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 72-7ASOIII-Lab-69/2977.—In pursuance of the provisions section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of Messrs Devindra Brothers, Old Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 103 of 1968

Between

Shri Betal Singh workmn and the management of M/s Devindra Brothers, Old Faridabad.

Present.—Shri Roshan Lal with Shri Betal Singh claimant.
Nemo for the management.

AWARD

Shri Betal Singh was in the service of M/s Devindra Brothers, Old Faridabad. His services were terminated. This gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette Notification No. ID/FD/399-A-68, 29313, dated 20th November, 1968 :—

Whether the termination of services of Shri Betal Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman. The services of the notice was effected in the respondent concern by registered post but no body appeared on their behalf. The *ex parte* evidence of the workman has been recorded.

The workman has stated that he joined the respondent concern as a Mistry on a cutting machine and worked there for about six months. He says that while working the third finger of his left hand was cut and he remained under treatment in the Hospital for about 24 days and thereafter when he reported for duty the management refused to give him duty and turned him out of the gate without giving him any notice to show cause or holding any enquiry.

There is no reason to disbelieve the sworn testimony of the applicant to which there is no rebuttal, therefore, hold that the termination of the services of the claimant Shri Betal Singh was not justified and in order and he is entitled to be reinstated with continuity of service and full back wages. No order as to cost.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.

Dated 23rd January, 1969.

No. 238, dated the 28th January, 1969

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Dated 23rd January 1969

Presiding Officer,
Labour Court, Faridabad.

R. I. N. AHOOJA, Secy.

DEVELOPMENT AND PANCHAYAT DEPARTMENT

The 4th February, 1969

No. 685-2ECDI-69/3456.—The following Social Education and Panchayat Officers/Extension Officers will hold the current charge of the block noted against each in addition to their own duties till regular Block Development and Panchayat Officers are posted there, from the date noted against each :—

Sr. No.	Name of Social Education and Panchaya Officer Extension Officer	Name of Block	Date of holding charge
1.	Sohan Pal, Block Level Extension Officer. Industries	Nuh	23-1-69 (A.N.)
2.	Kartar Singh, Agriculture, Inspector	Jind	20-1-69 (A.N.)
3.	Daryao Singh, Social Education and Panchayat Officer	Palwal	27-1-69 (A. N.)

2. While holding the charge, the above-mentioned officers will exercise the powers of drawing and disbursing officer in respect of the blocks mentioned against their names.

B. S. GREWAL,
Financial Commissioner and Secy.

AGRICULTURE DEPARTMENT

(MARKET COMMITTEES)

The 30th January, 1969

No. 1152-Agr.VII-69-3165.—Punjab Government Notification No. 2916-M(II)-66/1831, dated the 16th July, 1966, relating to the Market Committee, Naraingarh, in district Ambala, is hereby rescinded.

B. S. GREWAL,
Financial Commissioner and Secy.

The 4th February, 1969

No. 573-Agr. II-68/3470.—The Governor of Haryana is pleased to appoint Shri Mathura Dass Malik, village Hampura, tehsil, Narwana, district Jind also, as a Member of the State Farm Advisory Committee set up by this Department,—*vide* Notification No. 11941-Agr. II-68/29157, dated the 29th November, 1968.

B. S. GREWAL,

Chandigarh : Financial Commissioner and Secy.
The 13th January, 1969.

EDUCATION DEPARTMENT

The 21st January, 1969

No. 309-2E-EDII(U.II)-69/2626.—The Notification issued under this Organisation No. 6853-EDII-68/17378, dated 27th July, 1968, shall be substituted by the following:—

"In the Notification bearing No. 5629-SE-EDII-68/14680, dated 25th June, 1968, the words "No. 9769-1E-EDII-67/336, dated 15th January, 1968" may be read as "No. 9769-1E-EDII-67/336, dated 9th January, 1968"

B.L. AHUJA, Secy.